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16 *Attorneys for Plaintiff Bank of America, N.A.*

17 **UNITED STATES DISTRICT COURT**
18 **EASTERN DISTRICT OF CALIFORNIA**

19 BANK OF AMERICA, N.A., a national
20 banking association

21 Plaintiff

22 v.

23 CAPITAL MED FARMS, LLC, a
24 California limited liability company;
25 GOLDEN STATE FARM CREDIT,
26 FLCA, a federal Farm Credit System
27 institution; GOOD EARTH
28 PARTNERS LP, a California limited
partnership; JIM TRAYNHAM, an
individual; JAMIE TRAYNHAM, an
individual; MF FARMS, INC., a
California agricultural collective;
NAVA FARMS, INC., a California
corporation; PACIFIC REALTY
ASSOCIATES, L.P. dba M&T CHICO
RANCH, a Delaware limited
partnership; RANDOLPH SALVESON,
an individual; SIERRA ORCHARDS,
L.P., a California limited partnership;
and TSB AG INC., a California
Corporation; AFFENTRANGER
FARMS, LLC, a California limited
liability company; ALLEN JASCHKE,
an individual; BARRIOS BROS., INC.,
a California corporation; CHARLES
HERMLE FARMS, INC., a California

16 Case No.: 2:24-cv-02309-DJC-CKD

17 **JOINT STIPULATION TO**
18 **CONTINUE HEARING DATE ON**
19 **DEFENDANT TSB AG, INC.'S**
20 **MOTION TO DISMISS (DKT. 42)**
21 **AND SET BRIEFING SCHEDULE;**
22 **ORDER**

1 corporation; DANNA FARMS INC., a
2 California corporation; DARREL
3 PARSLEY, an individual; FEDORA
4 FARMS, INC., a California corporation;
5 GRACIE BELLE FARMS, LLC, a
6 California limited liability company;
7 JERRY M. SEIBERT FARMS, INC, a
8 California corporation; JOE YEUNG
9 FARMS, INC., a California corporation;
10 JUST FARMS LP, a California limited
11 partnership; LINDAUER FARM
12 MANAGEMENT, INC., a California
13 corporation; LLANO SECO MEATS,
14 LLC, a California limited liability
15 company; M & C MYERS, INC., a
16 California corporation; MARY
17 TRAYNHAM, an individual;
18 MUMMA BROTHERS, a general
19 partnership; NOR CAL NUT CO, a
20 California corporation; PB
21 ORCHARDS, LLC, a California limited
22 liability company; PEARSON FARMS,
23 a general partnership; PUTAH CREEK
24 FARMING CO., a California
25 corporation; RIVER VISTA FARMS
26 LLC, a California limited liability
27 company; ROMINGER BROTHERS
28 FARMS, INC., a California corporation;
STRAIN FARMING JOINT
VENTURE, L.P., a California limited
partnership; and ZANE AMARO d/b/a
ZANE AMARO FARMS, an individual.

Defendants.

Holland & Knight LLP
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Los Angeles, CA 90071
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STIPULATION

Plaintiff Bank of America, N.A. (“**BOA**”) and Defendant TSB AG, Inc. (“**TSB**”) by and through their undersigned attorneys, hereby stipulate as set forth below:

RECITALS

WHEREAS, on or about August 23, 2024, BOA filed the Complaint in this action seeking a declaration that the subordination clause in TSB's contract with Andersen & Sons Shelling, Inc. ("ASSI") is enforceable and subordinates TSB's alleged California Food & Agricultural Code § 55631 *et seq.* Producer's Lien to BOA's secured interest (the "Litigation");

WHEREAS, on September 27, 2024, BOA filed the operative First Amended Complaint (“FAC”) (Dkt. 10);

WHEREAS, on October 31, 2024, TSB filed a motion to dismiss the FAC (“**TSB’s Motion**”) which is currently set for hearing on February 6, 2024;

WHEREAS, counsel for BOA is not available on February 6, 2024 for a hearing on TSB's Motion;

WHEREAS, a majority of the remaining defendants' deadline to respond to the FAC has not yet passed and no scheduling conference has been set;

WHEREAS, on November 5, 2024, the Courtroom Assistant notified counsel that the Court was available for a hearing on TSB's Motion on March 20, 2024;

WHEREAS, this is the first request to continue the hearing date by any party;

WHEREAS, given that 34 of the defendants have not yet responded to the complaint and their deadline to respond has not yet occurred, the Parties believe there is good cause to continue the hearing date and set a briefing schedule to allow time for other defendants to appear and be heard on this matter if applicable.

NOW, THEREFORE, for and in consideration of the recitals set forth above and incorporated herein, the Parties hereby request the Court continue the hearing date on TSB's Motion and set a briefing schedule as follows:

- 1 1. The hearing date on TSB's Motion is continued from February 6, 2025 at
2 1:30 p.m. to March 20, 2025 at 1:30 p.m.
3 2. BOA shall file an opposition to TSB's Motion no later than January 17,
4 2025;
5 3. TSB shall file a reply brief in support of TSB's Motion no later than
6 February 20, 2025.

7
8 Date: November 8, 2024

HOLLAND & KNIGHT LLP

10 By: Kristina S. Azlin

11 Kristina S. Azlin
12 Daniel P. Kappes
13 Andrew M. Cummings

14 *Attorneys for Plaintiff Bank of America, N.A.*

15 Date: November 8, 2024

WAGNER JONES HELSLEY PC

17 By: /s/ John Kinsey (as authorized on 11/8/24)

18 John P. Kinsey

19 *Attorneys for Defendant TSB AG, INC.*

21 **IT IS SO ORDERED.**

23 Date: November 8, 2024

24 /s/ Daniel J. Calabretta

25 THE HONORABLE DANIEL J. CALABRETTA
26 UNITED STATES DISTRICT JUDGE